

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6203 of 2016

1. Poshan Sahu, S/o. Derharam Sahu, aged about 29 years,
2. Ramlal Sahu, S/o. Derharam Sahu, aged about 26 years.

Both are R/o. Village- Janjgiri, Police Station – Bhilai-3, District – Durg (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Bhilai-03, District Durg (C.G.).

---- Respondent

For Applicants : Mr. T.K. Jha, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.71/2013, registered at Police Station – Bhilai-3, District – Durg (C.G.) for the offence punishable under Section 363, 302, 201, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief is that on 08.02.2013 the infant child of Dineshwari Bai was missing from her house. Subsequently after two days the dead body was found. It is alleged that Dineshwari Bai was carrying pregnancy before her marriage. When

on the date of incident Dineshwari Bai wanted to give medicine to child, she was stopped and asked to give food to her husband and thereafter when she came back her child was found missing. The applicant No.1 is the husband and applicant No.2 is brother-in-law of Dineshwari Bai and they have also committed the crime along with the other co-accused persons.

3. Learned counsel for the applicants submits that the applicant No.1 is the husband and applicant No.2 is the brother-in-law of Dineshwari Bai, whose infant child was found dead. It is submitted that the applicants have been falsely implicated in this case and no evidence is available against them. He further submits that similarly placed co-accused in this case has been enlarged on bail by this Court on 03.10.2016 in M.Cr.C.No.6052/2016, therefore, the present applicants may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he do not dispute the fact that person against whom similar allegations have been made has been enlarged on bail by this Court.
5. I have heard learned counsel appearing for the parties.
6. Considering the fact that similarly placed co-accused has been enlarged on bail by this Court on 03.10.2016 in M.Cr.C.No.6052/2016 without any further observation on merits of the case, I am inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram